

### **REMARKS**

Claims 1-18 are now pending in this application. Claim 1 has been amended and new claim 18 has been added to more clearly distinguish the present invention over the prior art relied upon. Further reconsideration of this application is requested.

#### **35 U.S.C. § 102 Rejection**

The rejection of claims 1-17 as being anticipated by Babson et al., U.S. Patent No. 5,885,529 of record ("Babson"), is respectfully traversed to the extent that this ground of rejection may be applied to claims 1-18 as now pending. In particular, Babson fails to disclose a read station as recited in claim 1 or claim 18.

In particular, claim 1 has been amended to set forth that the transport device (e.g., device 3, Fig. 2) transports vessels received from said wash station (e.g., wash station 6, Fig. 2) through a defined path, and for transferring one of said plurality of vessels from said defined path into said read station (e.g., read station 2, Fig. 2) at said entry position (e.g., entry position 9, Fig. 3).

Babson fails to disclose such a read station or transport device. Chain 213b carries vessels from serpentine chain 213' to wash station 214, and may also carry vessels from wash station to reaction pipetting station 204 as stated in the Office action. However, the chain 213b does not transport vessels received from wash station 214 onto luminometer chain 215a (which has been interpreted by the Office action to be a "read station" but which in fact corresponds to the transport device 3 of the present application).

New claim 18 has been added to define the invention from another perspective, fully supported by the original specification. Claim 18 has been drafted as a Jepson claim, setting forth the novel read station as an improvement over the prior art as exemplified by the Babson reference. Claim 18 requires a transport device that receives vessels at a receiving position and transports a plurality of vessels through a defined recirculating path toward said detector (see transport device 3, Fig. 2; p. 7, l. 25 – p. 8, l. 2; p. 8, ll. 23-26), and a read station located between said detector and said transport device, rotatable between an entry position adjacent to said transport device and a read position adjacent to said detector, said read station receiving a vessel at said entry

position, rotating said received vessel to said read position, and not accepting any other vessels at said entry position while a received vessel is in said read station (see p.8, ll. 11-19; p. 9, ll. 5-9).

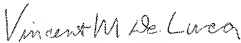
Claim 18 further sets forth that said read station is capable of rotating a transferred vessel from said entry position to said read position independently of motion of said plurality of vessels through said defined recirculating path, to thereby allow different vessels to remain on said defined recirculating path for different amounts of time (see p. 7, ll. 26-28).

Babson fails to disclose such an analyte detection station. Neither the transport device 215a nor the chain 213b transport a plurality of vessels through a defined recirculating path toward a detector. Chain 213b transports vessels from chain 213' to wash station 214, and also from wash station 214 to pipetting station 204. Vessels cannot remain on chain 213b for varying amounts of time and cannot recirculate around the path of chain 213b. Neither can vessels recirculate around the path of luminometer chain 215a. Instead, vessels are loaded one after the other onto chain 215a, where they are sequentially read by the PMT in reading station 216, and discarded at the end of the chain 215a labeled "to waste." Nor does chain 215a accept only one vessel at a time to be read by the PMT in the reading station 216, as disclosed and claimed in claim 18. Instead, vessels are sequentially loaded onto the chain 215a for transport to the read station 216. The transport of vessels on the chain 215a is not independent of motion of any other vessels through a recirculating path.

**Conclusion**

In view of the foregoing, claims 1-18 are submitted to be patentable over the prior art Babson analyzer. Favorable reconsideration of this application and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
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